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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,678	01/30/2001	Takahiro Suzuki	2000-024909US	8113

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WHITHAM, CURTIS & CHRISTOFFERSON, P.C.  
11491 SUNSET HILLS ROAD  
SUITE 340  
RESTON, VA 20190

EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/771,678	SUZUKI, TAKAHIRO
	Examiner Sharad Rampuria	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7-9, & 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichelt in view of Agrawal et al.

1. Regarding Claim 1, Reichelt disclosed A mobile communication terminal, wherein a battery is used as a power source (abstract), comprising:

a detector (22; fig. 1B) for detecting the voltage of the battery acting as a power source; decision means for deciding a difference relationship between a voltage level detected by the detector and a prescribed value; (col.5; 57 – col.6; 18)

Reichelt fails to disclosed a transmission reservation controller. However, Agrawal et al. teaches in an analogous art, that a transmission reservation controller for storing transmission data as transmission-reserved data into a storage, (col.4; 39- col.5; 5) and a reserved-data transmission controller for radio-transmitting the transmission-reserved data to be stored in the storage. (col.4; 39- col.5; 5) Therefore, it would have been obvious to

one of ordinary skill in the art at the time of invention to include a transmission reservation controller in order to provide the battery power level information for transmission messages.

Reichelt further disclosed without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state. (col.5; 57 – col.6; 18) when the decision means decides that the detected voltage level exceeds said prescribed value after maintenance of the wait state (col.5; 57 – col.6; 18).

4. Regarding Claim 4, Reichelt disclosed A mobile communication terminal, wherein a battery is used as a power source (abstract), comprising:

a detector (22; fig.1B) for detecting the voltage of the battery acting as a power source; decision means for deciding a difference relationship between a voltage level detected by the detector and a prescribed value; (col.5; 57 – col.6; 18)

Reichelt fails to disclosed a transmission reservation controller. However, Agrawal et al. teaches in an analogous art, that a transmission reservation controller for storing transmission data as transmission-reserved data into a storage, (col.4; 39 - col.5; 5) and

a reserved-data transmission controller for radio-transmitting the transmission-reserved data to be stored in the storage. (col.4; 39 - col.5; 5) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a transmission reservation controller in order to provide the battery power level information for transmission messages.

Reichelt further disclosed without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state. (col.5; 57 – col.6; 18) when the decision means decides that the detected voltage level exceeds said prescribed value after maintenance of the wait state (col.5; 57 – col.6; 18).

7. Regarding Claim 7, Reichelt disclosed A data transmission method suitable for a mobile communication terminal which uses a battery as a power source (abstract), comprising the steps of:

detecting (22; fig.1B) the voltage of the battery acting as a power source; deciding a difference relationship between a voltage level detected in the detecting step and a prescribed value; (col.5; 57 – col.6; 18)

Reichelt fails to disclosed a transmission reservation controller. However, Agrawal et al. teaches in an analogous art, that storing transmission data as transmission-reserved data into a storage (10a; fig.3); and

radio-transmitting the transmission-reserved data to be stored in the storage. (col.4; 39- col.5; 5) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a transmission reservation controller in order to provide the battery power level information for transmission messages.

Reichelt further disclosed without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state. (col.5; 57 – col.6; 18)

when the decision means decides that the detected voltage level exceeds said prescribed value after maintenance of the wait state (col.5; 57 – col.6; 18).

8. Regarding Claim 8, Reichelt disclosed The data transmission method defined in claim 7, further comprising the step of charging said battery after maintenance of the wait state. (col.6; 1-18)

9. Regarding Claim 9, Reichelt disclosed The data transmission method defined in claim 7, further comprising the step of replacing said battery for a new one after maintenance of the wait state. (col.6; 1-18)

12. Regarding Claim 12, Reichelt disclosed A data transmission method suitable for a mobile communication terminal which uses a battery as a power source (abstract), comprising the steps of:

detecting (22; fig.1B) the voltage of the battery acting as a power source; deciding a difference relationship between a voltage level detected in the detecting step and a prescribed value; (col.5; 57 – col.6; 18)

Reichelt fails to disclosed a transmission reservation controller. However, Agrawal et al. teaches in an analogous art, that storing transmission data as transmission-reserved data into a storage; and

radio-transmitting the transmission-reserved data to be stored in the storage . (col.4; 39 - col.5; 5) Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to include a transmission reservation controller in order to provide the battery power level information for transmission messages.

Reichelt further disclosed without starting the transmission operation, when the decision means decides that the detected voltage level is less than the prescribed value, in response to a data transmission request, and thus maintaining its wait state. (col.5; 57 – col.6; 18) when the decision means decides that the detected voltage level exceeds said prescribed value after maintenance of the wait state (col.5; 57 – col.6; 18).

13. Regarding Claim 13, Reichelt disclosed The data transmission method defined in claim 12, further comprising the step of charging said battery after maintenance of the wait state. (col.6; 1-18)

14. Regarding Claim 14, Reichelt disclosed The data transmission method defined in claim 12, further comprising the step of replacing said battery for a new one after maintenance of the wait state. (col.6; 1-18)

Claims 2-3, 5-6, 10-11, & 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichelt, Agrawal et al. further in view of Katsuki.

2. Regarding Claim 2, The above combination disclosed all the particulars of the claim except temporarily storing the created electronic mail data in the storage. However, Katsuki teaches in an analogous art, that The mobile communication terminal defined in claim 1, wherein the

transmission data comprises electronic mail data created in the wait state. (col.3; 28-34)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include temporarily storing the created electronic mail data in the storage in order to provide if battery capacity is short, the result is wasteful data transmission and retransmission.

3. Regarding Claim 3, The above combination disclosed all the particulars of the claim except temporarily storing the created electronic mail data in the storage. However, Katsuki teaches in an analogous art, that The mobile communication terminal defined in claim 1, wherein The mobile communication terminal defined in claim 2, further comprising an electronic mail data storage for temporarily storing the created electronic mail data in the storage to wait decision results by the decision means in advance of transmission. (col.3; 28-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include temporarily storing the created electronic mail data in the storage in order to provide if battery capacity is short, the result is wasteful data transmission and retransmission.

5. Regarding Claim 5, The above combination disclosed all the particulars of the claim except temporarily storing the created electronic mail data in the storage. However, Katsuki teaches in an analogous art, that The mobile communication terminal defined in claim 4, wherein the transmission data comprises electronic mail data created in the wait state. (col.3; 28-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include temporarily storing the created electronic mail data in the storage in order to provide if battery capacity is short, the result is wasteful data transmission and retransmission.

6. Regarding Claim 6, The above combination disclosed all the particulars of the claim except temporarily storing the created electronic mail data in the storage. However, Katsuki teaches in an analogous art, that The mobile communication terminal defined in claim 5, further comprising an electronic mail data storage for temporarily storing the created electronic mail data in said storage to wait decision results by the decision means in advance of transmission. (col.3; 28-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include temporarily storing the created electronic mail data in the storage in order to provide if battery capacity is short, the result is wasteful data transmission and retransmission.

10. Regarding Claim 10, The above combination disclosed all the particulars of the claim except temporarily storing the created electronic mail data in the storage. However, Katsuki teaches in an analogous art, that The data transmission method defined in aims 7, further comprising the step of creating electronic mail data as said transmission data in the wait state. (col.3; 28-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include temporarily storing the created electronic mail data in the storage in order to provide if battery capacity is short, the result is wasteful data transmission and retransmission.

11. Regarding Claim 11, The above combination disclosed all the particulars of the claim except temporarily storing the created electronic mail data in the storage. However, Katsuki teaches in an analogous art, that The data transmission method defined in claim 10, further comprising the step of temporarily storing said created electronic mail data into the storage to wait decision

Art Unit: 2683

results in the deciding step in advance of transmission. (col.3; 28-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include temporarily storing the created electronic mail data in the storage in order to provide if battery capacity is short, the result is wasteful data transmission and retransmission.

15. Regarding Claim 15, The above combination disclosed all the particulars of the claim except temporarily storing the created electronic mail data in the storage. However, Katsuki teaches in an analogous art, that The data transmission method defined in claims 12, further comprising the step of creating electronic mail data as said transmission data in the wait state. (col.3; 28-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include temporarily storing the created electronic mail data in the storage in order to provide if battery capacity is short, the result is wasteful data transmission and retransmission.

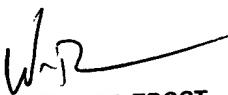
16. Regarding Claim 16, The above combination disclosed all the particulars of the claim except temporarily storing the created electronic mail data in the storage. However, Katsuki teaches in an analogous art, that The data transmission method defined in claim 15, further comprising the step of temporarily storing said created electronic mail data into the storage to wait decision results in the deciding step in advance of transmission. (col.3; 28-34) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include temporarily storing the created electronic mail data in the storage in order to provide if battery capacity is short, the result is wasteful data transmission and retransmission.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu. (6:30-4:00) alternate Fri. ( 6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad K. Rampuria  
July 14, 2003

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600